

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-094983

01/08/2008

HONORABLE EMMET RONAN

CLERK OF THE COURT
M. Scott
Deputy

IN RE THE MARRIAGE OF
LAURIE A TENHAKEN

GLORIA L CALES

AND

WADE E TENHAKEN

MITCHELL E COHEN

TRIAL SETTING

1:32 p.m. This is the time set for Resolution Management Conference.

Petitioner/Mother, Laurie Ten Haken, is present with counsel, Gloria Cales.

Respondent/Father, Wade Ten Haken, is present with counsel, Mitchell Cohen.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel for Father is heard and states that the parties have not reached agreement regarding the issues before the Court. However, they have agreed to participate in a full-scope Custody Evaluation and to share the costs of the Evaluation on a 50/50 basis.

Discussion is held as to the choice of the Evaluator.

1:33 p.m. The Court stands in recess to allow the parties to confer regarding the appointment of a Custody Evaluator.

1:40 p.m. The Court is reconvened.

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The parties have chosen Dr. Daniel Christiano to perform the Custody Evaluation. If Dr. Christiano is not available, the parties have chosen Dr. Al Silberman in the alternative.

LET THE RECORD REFLECT that upon stipulation of the parties, Dr. Daniel J. Christiano shall perform a full-scope Custody Evaluation and the costs of the Evaluation shall be borne equally (50/50) by the parties. The formal Minute Entry Order appointing Dr. Christiano shall follow by subsequent Minute Entry.

Discussion is held regarding Trial setting in this matter.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to trial.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

Both parties agree that a trial of three hours is sufficient to resolve all of the remaining issues in this case.

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IT IS ORDERED setting Trial to the Court on **Tuesday, June 10, 2008, at 9:00 a.m. (three hours allowed)** in this Division before the Honorable Emmet Ronan at the following location:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 403
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor un-emancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

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5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.

6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.

7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if either party has more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five (5) days prior to trial to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to

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trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

1:43 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.